

**IN THE UNITED STATES DISTRICT FOR THE  
EASTERN DISTRICT OF TEXAS,  
SHERMAN DIVISION**

<b>JASON LEE VAN DYKE,</b>	§	
<i>Plaintiff,</i>	§	
	§	
<b>v.</b>	§	
	§	
<b>THOMAS CHRISTOPHER</b>	§	<b>NO. 4:18-CV-247-ALM</b>
<b>RETZLAFF, a/k/a DEAN</b>	§	
<b>ANDERSON, d/b/a BV FILES, VIA</b>	§	
<b>VIEW FILES, L.L.C., and VIAVIEW</b>	§	
<b>FILES,</b>	§	
<i>Defendants</i>	§	

**RETZLAFF’S UNOPPOSED MOTION TO WITHDRAW INADVERTENTLY-FILED  
SUPPLEMENTAL RULE 26 DISCLOSURES**

**I. INTRODUCTION**

1. Plaintiff is Jason Van Dyke; defendant is Thomas Retzlaff.
2. This case is set for trial during the period January 4-29, 2021.

**II. ARGUMENT & AUTHORITIES**

3. On March 14, 2020, Retzlaff prepared and filed his supplemental Rule 26 disclosures listing new fact witnesses and the scope of their knowledge. (Doc. 138.) Retzlaff’s supplemental disclosures should not have been *filed*. FED. R. CIV. P. 5(d)(1)(A).

4. Retzlaff moves to withdraw the supplemental disclosures (Doc. 138) and that the Court strike them from the record. Van Dyke does not oppose this motion. Retzlaff apologizes to the Court and counsel for the inconvenience caused by Retzlaff’s erroneous filing.

### **III. CONCLUSION & PRAYER**

5. For these reasons, Retzlaff respectfully prays the Court to grant this motion and order Retzlaff's inadvertently-filed supplemental Rule 26 disclosures (Doc. 138) stricken from the record. Retzlaff prays that the Court grant such other and further relief, at law or in equity, as to which Retzlaff shall show himself justly entitled.

Respectfully submitted,

**HANSZEN  LAPORTE**

By: /s/ Jeffrey L. Dorrell

**JEFFREY L. DORRELL**

State Bar No. 00787386

Federal ID # 18465

[jdorrell@hanszenlaporte.com](mailto:jdorrell@hanszenlaporte.com)

**ANTHONY L. LAPORTE**

State Bar No. 00787876

[alaporte@hanszenlaporte.com](mailto:alaporte@hanszenlaporte.com)

14201 Memorial Drive

Houston, Texas 77079

Telephone 713-522-9444

FAX: 713-524-2580

**ATTORNEYS FOR DEFENDANT TOM RETZLAFF**

### **CERTIFICATE OF CONFERENCE**

I certify that on March 18, 2020, I conferred with plaintiff pro se Jason Van Dyke, who advised he was **NOT OPPOSED** to Retzlaff's motion to withdraw his inadvertently-filed supplemental Rule 26 disclosures (Doc. 138).

/s/ Jeffrey L. Dorrell

**JEFFREY L. DORRELL**

### **CERTIFICATE OF SERVICE**

I certify that on 3-18, 2020, the foregoing was electronically filed using the Court's CM/ECF filing system, which will provide notice and a copy of this document to the following if a registered ECF filer in the United States District Court for the Eastern District of Texas, Sherman Division.

Mr. Jason Lee Van Dyke  
Plaintiff, Pro Se  
108 Durango Drive  
Crossroads, Texas 76227  
Telephone: 469-964-5346  
FAX: 972-421-1830  
[jasonleevandyke@protonmail.com](mailto:jasonleevandyke@protonmail.com)

/s/ Jeffrey L. Dorrell  
**JEFFREY L. DORRELL**